

Chapter 7

Prevention Of Sexual Harassment

7-1. Overview

The prevention of sexual harassment is a commander's responsibility. The EOA plays a pivotal role by assisting the commander with policy awareness, training, command climate assessments, complaints processing and overall advisory assistance concerning the prevention of sexual harassment.

7-2. Chain Of Command Responsibilities

Commanders and supervisors will-

- a. Ensure that assigned personnel are familiar with the Army policy on sexual harassment.
- b. Publish and post written command policy statements for the prevention of sexual harassment. All statements will be consistent with Army policy. They will include the local command's commitment to the Army's policy against sexual harassment and will reaffirm that sexual harassment will not be tolerated. The statement will explain how and where to file complaints and shall include the fact that all complainants will be protected from acts or threats of reprisal. Each MACOM, installation, separate unit, agency, and activity down to company, troop or battery level will publish a sexual harassment command policy statement. Units should coordinate these policy statements with the servicing staff judge advocate or legal advisor before publishing them.
- c. Continually assess and be aware of the climate of command regarding sexual harassment. Identify problems or potential problems. Take prompt, decisive action to investigate all complaints of sexual harassment. Either resolve the problem at the lowest possible level or, if necessary, take formal disciplinary or administrative action. Do not allow soldiers to be retaliated against for filing complaints. Continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within area of responsibility. Ensure all leaders understand that if they witness or otherwise know of incidents of sexual harassment, they are obligated to act. If they do not, they themselves are also guilty of sexual harassment.
- d. Set the standard.

7-3. Policy

- a. The policy of the Army is that sexual harassment is unacceptable conduct and will not be tolerated. Army leadership at all levels will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of sexual harassment for all personnel.
- b. The prevention of sexual harassment is the responsibility of every soldier and DA civilian. Leaders set the standard for soldiers and DA civilians to follow.

7-4. Definition

- a. Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when-
 - (1) Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or
 - (2) Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person, or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.
- b. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a soldier or civilian employee is engaging in sexual harassment. Similarly, any soldier or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

7-5. Categories of sexual harassment

- a. *Verbal.* Examples of verbal sexual harassment may include telling sexual jokes, using sexually explicit profanity, threats, sexually oriented jody calls, sexual comments, whistling in a sexually suggestive manner, and describing certain sexual attributes about one's physical appearance. Verbal sexual harassment may also include using terms of endearment such as "honey", "babe", "sweetheart", "dear", "stud" or "hunk" in referring to soldiers, civilian co-workers or family members.
- b. *Nonverbal.* Examples of nonverbal sexual harassment may include staring at someone (i.e. "undressing someone with one's eyes"), blowing kisses, winking, or licking one's lips in a suggestive manner. Nonverbal sexual harassment also includes printed material. Examples may include displaying sexually oriented pictures, cartoons or using sexually

oriented screen savers on one's computer. Further examples include sending sexually oriented notes, letters, faxes, or e-mail.

c. Physical Contact. Examples of physical sexual harassment may include touching, patting, pinching, bumping, grabbing, cornering or blocking a passageway, kissing, and providing unsolicited back or neck rubs. Sexual assault and rape, which may be extreme forms of sexual harassment, are serious criminal acts. When these acts occur, report them immediately to the chain of command, military police, or other law enforcement agencies.

7-6. Types of sexual harassment

a. Quid Pro Quo. Quid Pro Quo is a Latin term meaning "this for that". This term refers to conditions placed on a person's career or terms of employment in return. It involves implicit or explicit threats of adverse action if the person does not submit or promises of favorable actions if the person does submit. Examples include demanding sexual favors in exchange for a promotion; award or favorable assignment; disciplining or relieving a subordinate who refuses sexual advances and threats of poor job evaluation for refusing sexual advances. Incidents of "quid pro quo" may also have a harassing effect on third persons. It may result in allegations of sexual favoritism or general discrimination when a person feels unfairly deprived of recognition, advancement or career opportunities due to favoritism shown to another soldier or civilian employee based on a sexual relationship. An example would be a soldier who is not recommended for promotion and who believes that his or her squad leader recommended another soldier in his or her squad for promotion based upon provided or promised sexual favors, not upon merit or ability.

b. Hostile environment. A hostile environment occurs when soldiers or civilians are subjected to offensive, unwanted and unsolicited comments or behaviors of a sexual nature. If these behaviors unreasonably interfere with their performance, then the environment is classified as hostile. A hostile environment brings interference into the workplace in any one of a number of forms. It does not necessarily include the more blatant acts of "quid pro quo." It normally includes nonviolent sexual behaviors that are gender-biased. Examples include use of derogatory gender-biased terms, comments about body parts, suggestive pictures, explicit jokes and unwanted touching.

7-7. Techniques of dealing with sexual harassment

All soldiers and civilians have a responsibility to help resolve acts of sexual harassment. Examples of how to accomplish this follow:

a. Direct approach. Confront the harasser and tell him/her that the behavior is not appreciated, not welcomed and that it must stop. Stay focused on the behavior and its impact. Use common courtesy. Write down thoughts before approaching the individual involved.

b. Indirect approach. Send a letter to the harasser stating the facts, personal feelings about the inappropriate behavior and expected resolution.

c. Third party. Request assistance from another person. Ask someone else to talk to the harasser, to accompany the victim, or to intervene on behalf of the victim to resolve the conflict.

d. Chain of Command. Report the behavior to immediate supervisor or others in chain of command and ask for assistance in resolving the situation.

e. File a formal complaint. Details for filing an informal or formal complaint are included in Appendix E.

7-8. Training

The elimination of sexual harassment within a unit begins with a policy of aggressive and progressive training to identify and prevent inappropriate behavior. Conduct progressive, interactive small group sexual harassment training twice each year. Soldiers must understand what sexual harassment is, how to recognize it, how to prevent it, how to report it and the consequences of engaging in sexual harassment.

a. The quality and effectiveness of unit training are of primary concern. The most effective approach to training to prevent sexual harassment is through interactive discussion in small groups of mixed gender. Situation vignettes or scenarios should be used to facilitate discussion among unit soldiers and civilians. Role playing is also an effective training means. The training focus should be appropriate to the level of the experience and breadth of responsibilities of each target audience. Unit commanders must attend this training and evaluate its content and quality.

b. Unit training for junior enlisted and civilian employees will focus on defining sexual harassment and gender discrimination, sanctions which may be used to punish harassers, techniques for soldiers to deal with sexual harassment and methods of filing a complaint through the complaint system.

c. Unit training or professional development training for junior officers, noncommissioned officers and civilian supervisors will reinforce the aforementioned training. In addition, emphasis should be placed on promoting a healthy work environment within the section or unit as well as on techniques for receiving, handling and resolving complaints. Training on the EO complaint system must include leader responsibilities in processing informal and formal complaints. It must emphasize the prevention of reprisal actions against complainants.

d. Training at unit level for senior noncommissioned officers, warrant officers, officers, civilian managers and senior executive service will focus on fostering a healthy command climate and using appropriate means for determining a

healthy command climate. This training will also focus on sanctions for offenders. In addition, it will reinforce the elements of training they receive at a more junior level.

e. Leaders may enlist the service of their brigade or higher level Equal Opportunity Advisor or DA PAM 350-20 (Unit Equal Opportunity Training Guide), Chapter 4, to help prepare and conduct Prevention of Sexual Harassment (POSH) training.

f. Commanders will document POSH training on the unit's training schedule and on individual soldier training records. Documentation will include type, instructor, date, time, length of training, roster of attendees, and issues covered in the session.

g. The chain of command and EOA's will attend and participate in POSH sessions.

h. Sexual misconduct training is not an Equal Opportunity issue. This training must be conducted by qualified personnel, separately from sexual harassment training, so as not to confuse the two.

7-9. Complaints

Filing and processing of sexual harassment complaints follow the same procedures as outlined in appendix E for EO complaints. Charges of sexual misconduct are to be processed through legal/ law enforcement channels, not equal opportunity channels.